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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

AXIS SPINE NV, LLC, a Nevada Limited
 Liability Company,

Plaintiff,

v.

XTANT MEDICAL HOLDINGS, INC., a
 Delaware Corporation,

Defendant.

Case No.: 2:17-CV-02147-APG-VCF

**JOINT STIPULATION RE:
 POSTPONEMENT OF STATUS
 CONFERENCE**

The Honorable Cam Ferenbach

Plaintiff Axis Spine NV, LLC (“Axis”) and Defendant Xtant Medical Holdings, Inc. (“Xtant” and, together with “Axis,” the “Parties”) file this joint stipulation requesting that the status conference currently scheduled for January 16, 2019, be postponed by ninety days.

On July 25, 2018, the Court held a hearing to address Axis’s motion to extend discovery deadlines. At the time, Xtant’s motion to dismiss was fully briefed, and Xtant had further filed a motion for summary judgment.

The Court denied Axis’s motion and set a status conference on January 16, 2019, “just so we don’t . . . forget about things.” [ECF No. 52, at 14:16–17]. But the Court noted that it would

1 postpone the conference if Xtant's motion to dismiss were still pending: "I'm going to set the
2 status hearing for January 16th, and then if there's no decision by January 16th, if you file a stip to
3 move out the status hearing, you know, I'll grant it because the point is we're not going to do a
4 status hearing if the motion is still pending." [Id. at 14:10-14].

5 Consistent with the Court's instruction, the Parties jointly notify the Court that Xtant's
6 motion to dismiss and summary judgment motion remain undecided and request the hearing be
7 postponed by ninety days.

8 Dated: January 9, 2019

Respectfully Submitted,

9 LAW OFFICES OF P. STERLING KERR

KOLESAR & LEATHAM

10 By: /s/ Taylor Simpson

By: /s/ James Patrick Shea

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23 IT IS HEREBY ORDERED that the
24 status hearing scheduled for
25 January 16, 2019 is VACATED and
26 RESCHEDULED for 10:00 AM,
27 April 22, 2019, in Courtroom 3D.
28

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: 1-10-2019